

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERHAN KAYIK,

Plaintiff,

v.

E. SAUCEDO, et al.,

Defendants.

No. 2:21-cv-1401 CKD P

ORDER

On November 1, 2022, this case was closed after the court received what appeared to be a notice of voluntary dismissal from plaintiff. On November 14, 2022, the court received a motion to reopen the case from plaintiff in which plaintiff asserts he never sent the court a notice of voluntary dismissal.

The court has reviewed the October 31, 2022 notice of voluntary dismissal which is handwritten. When comparing the handwriting in that document to the handwriting in a document filed by plaintiff on September 1, 2022, the handwriting does appear to be different.

Under Rule 60(d)(3) of the Federal Rules of Civil Procedure, the court may set aside judgment for “fraud on the court.” Since it does appear more likely than not that the dismissal of this action was based upon fraud, plaintiff’s motion to reopen the case will be granted.


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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion to reopen this case (ECF No. 23) is granted.
2. This case is reopened.
3. Defendant Saucedo is granted 30 days to file his waiver of service of process.
4. Since no appearance has been filed on behalf of defendant Saucedo, the Clerk of the Court is directed to serve a copy of this order upon Monica Anderson, Supervising Deputy Attorney General.

Dated: December 16, 2022


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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